



Reprinted
April 15, 2009

ENGROSSED SENATE BILL No. 191

DIGEST OF SB 191 (Updated April 14, 2009 6:24 pm - DI 109)

Citations Affected: IC 2-5; IC 16-19; IC 20-26; IC 20-33; IC 31-34; noncode.

Synopsis: Alternative placements for certain students. Allows a student in a public school who has disruptive behavior to be placed in another setting including certain nonpublic schools and alternative schools operated by the juvenile court in that county. Provides that if the other setting is: (1) a public school in another school corporation, or (2) a certain school operated by a juvenile court within a certain county having certain characteristics, the school corporation in which the student has legal settlement must pay the student's tuition. Sets a cap on the amount that the school corporation may expend for tuition for the student. Requires the consent of the superintendent or administrative authority of the school where the student is placed. Allows school personnel of a school who has a disruptive student to take any reasonable disciplinary action to maintain a safe and disciplined learning environment. Provides that placement for a student
(Continued next page)

Effective: Upon passage; January 1, 2009 (retroactive); July 1, 2009.

Miller, Lubbers, Mrvan, Rogers
(HOUSE SPONSORS — PORTER, BEHNING)

January 7, 2009, read first time and referred to Committee on Education and Career Development.
February 5, 2009, amended, reported favorably — Do Pass.
February 9, 2009, read second time, ordered engrossed.
February 10, 2009, engrossed. Read third time, passed. Yeas 42, nays 8.
HOUSE ACTION
February 25, 2009, read first time and referred to Committee on Education.
April 9, 2009, amended, reported — Do Pass.
April 14, 2009, read second time, amended, ordered engrossed.

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who is a child with a disability must be done in accordance with the student's individualized education program and in compliance with state and federal law. Provides that, until July 1, 2010, the Indiana Soldiers' and Sailors' Children's Home (children's home): (1) must continue to offer services to eligible children in need of residential care; and (2) must not reduce staffing levels and job classifications below those in effect at the home on January 1, 2009. Prohibits the state health commissioner, prior to July 1, 2010, from removing, selling, or destroying certain property maintained at the children's home. Establishes the Indiana Soldiers' and Sailors' Children's Home commission (commission). Provides that members of the commission are not entitled to per diem. Provides that members of the commission who are state employees, not including a member of the general assembly, are entitled to reimbursement for traveling expenses from the member's state agency. Provides that the commission is required to meet at least once a month. Requires the legislative services agency to provide staffing and administrative support for the commission. Requires the commission, before January 1, 2010, to submit a report to the governor and the general assembly. Requires the commission to make recommendations as to whether it is economically feasible to continue operation of the children's home after June 30, 2010, in an effective and efficient manner. Provides that a juvenile court may enter a dispositional decree concerning a child in need of services ordering the department of child services to place the child in the children's home after the juvenile court considers: (1) the best interests of the child; and (2) the desirability of keeping the child with the child's siblings. Requires a school corporation, during a student's withdrawal exit interview, to advise the student's parent of services offered at the children's home. Requires a school corporation to deliver information describing services offered by the children's home to a student's parent along with a notice of the right to appear at an expulsion meeting. Requires the department of child services, in consultation with the department of administration and the department of homeland security, to determine what modifications or repairs would be necessary in order to license a private entity to operate the children's home under a public-private agreement as a residential child care establishment. Requires the department of child services to provide a report on this subject to the commission before August 1, 2009.

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April 15, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 191

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-30 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 30. Indiana Soldiers' and Sailors' Children's Home**
5 **Commission**

6 **Sec. 1. As used in this chapter, "children's home" refers to the**
7 **Indiana Soldiers' and Sailors' Children's Home established by**
8 **IC 16-33-4-5.**

9 **Sec. 2. As used in this chapter, "commission" refers to the**
10 **Indiana Soldiers' and Sailors' Children's Home commission**
11 **established by section 3 of this chapter.**

12 **Sec. 3. (a) The Indiana Soldiers' and Sailors' Children's Home**
13 **commission is established to evaluate whether it is economically**
14 **feasible to continue to operate the children's home after June 30,**
15 **2010, in an effective and efficient manner.**

16 **(b) The commission consists of the following nineteen (19) voting**
17 **members:**

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- 1 (1) The governor or the governor's designee.
- 2 (2) The commissioner of the Indiana department of
- 3 administration appointed under IC 4-13-1-2 or the
- 4 commissioner's designee.
- 5 (3) The state health commissioner appointed under
- 6 IC 16-19-4-2 or the state health commissioner's designee.
- 7 (4) The state superintendent of public instruction or the state
- 8 superintendent's designee.
- 9 (5) The adjutant general appointed under IC 10-16-2-6 or the
- 10 adjutant general's designee.
- 11 (6) The director of the department of child services appointed
- 12 under IC 31-25-1-1 or the director's designee.
- 13 (7) One member who is a member of the American Legion
- 14 appointed by the president pro tempore of the senate in
- 15 accordance with a recommendation from the department
- 16 adjutant of the American Legion Department of Indiana.
- 17 (8) One (1) member who is a representative of the Alumni
- 18 Association of the Indiana Soldiers' and Sailors' Children's
- 19 Home, appointed by the president pro tempore of the senate
- 20 in accordance with a recommendation from the president of
- 21 the Alumni Association of the Indiana Soldiers' and Sailors'
- 22 Children's Home.
- 23 (9) The superintendent of the children's home or the
- 24 superintendent's designee.
- 25 (10) One (1) member who is a member of the advisory
- 26 committee for the Indiana Soldiers' and Sailors' Children's
- 27 Home created by IC 16-19-6-9, appointed by the president pro
- 28 tempore of the senate in accordance with a recommendation
- 29 from the chair of the advisory committee.
- 30 (11) One (1) member who is a representative of IARCCA, An
- 31 Association of Children and Family Services, appointed by the
- 32 president pro tempore of the senate in accordance with a
- 33 recommendation from the executive director of IARCCA.
- 34 (12) One (1) member who is a representative of the Indiana
- 35 Association of School Business Officials, appointed by the
- 36 speaker of the house of representatives in accordance with a
- 37 recommendation from the executive director of the Indiana
- 38 Association of School Business Officials.
- 39 (13) The judge of the juvenile court of Marion County.
- 40 (14) One (1) member who is a representative of the vocational
- 41 school located at the children's home, appointed by the
- 42 speaker of the house of representatives in accordance with a

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1 recommendation from the superintendent of the children's
2 home.

3 (15) One (1) member who is a parent or guardian of a child
4 currently residing at the children's home, appointed by the
5 speaker of the house of representatives in accordance with a
6 recommendation from the superintendent of the children's
7 home.

8 (16) One (1) member of the house of representatives
9 appointed by the speaker of the house of representatives.

10 (17) One (1) member of the house of representatives
11 appointed by the minority leader of the house of
12 representatives.

13 (18) One (1) member of the senate appointed by the president
14 pro tempore of the senate.

15 (19) One (1) member of the senate appointed by the minority
16 leader of the senate.

17 (c) The members appointed under subsection (b)(16) and (b)(18)
18 shall serve as co-chairs of the commission.

19 (d) If a legislative member of the commission ceases being a
20 member of the chamber from which the member was appointed,
21 the member also ceases to be a member of the commission.

22 (e) The commission shall hold at least one (1) meeting each
23 month. The commission may hold special meetings considered
24 necessary or expedient by either co-chair of the commission. The
25 commission must hold at least four (4) meetings at the children's
26 home.

27 (f) Ten (10) commission members constitute a quorum. The
28 affirmative votes of at least ten (10) members of the commission is
29 necessary for the commission to make recommendations or adopt
30 a final report.

31 (g) The commission may hold the regular meetings described in
32 subsection (e) at the children's home.

33 (h) The commission meetings are subject to the open door law
34 under IC 5-14-1.5.

35 (i) Except as provided in subsection (j), members of the
36 commission may not receive:

37 (1) a salary per diem;

38 (2) reimbursement for traveling expenses; or

39 (3) any other expenses actually incurred in connection with
40 the member's duties for the commission.

41 (j) Each member of the commission who is a state employee but
42 is not a member of the general assembly is entitled to

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reimbursement for traveling expenses from the member's state agency as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 4. The commission shall do the following:

(1) Make recommendations in the report submitted under section 5 of this chapter as to whether it is economically feasible to continue to operate the children's home after June 30, 2010, in an effective and efficient manner. In making its recommendations, the commission must consider the following:

(A) The feasibility of reducing costs associated with operation and maintenance of the children's home by entering into a public-private agreement. If the commission determines that a public-private agreement should be established under this section, the commission must develop recommended criteria for a request for proposals for entering into a public-private agreement under IC 5-23 for the operation of all or part of the children's home.

(B) The availability and potential use of federal grants or assistance provided under Title IV-E of the federal Social Security Act to a:

(i) state entity; or

(ii) private entity in a public-private agreement; operating or managing the children's home.

(C) The availability and potential use of federal assistance or grants provided under the No Child Left Behind Act of 2001 (20 U.S.C. 6301 et seq.) to a:

(i) state entity; or

(ii) private entity in a public-private agreement; operating or managing the children's home.

(D) The availability and potential use of federal assistance or grants, other than federal grants and assistance referred to in clauses (B) and (C), that may be available to reduce costs associated with the operation of the children's home by a:

(i) state entity; or

(ii) private entity in a public-private agreement.

(E) The availability and potential use of funds or grants from the federal American Recovery and Reinvestment

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Act of 2009 or another federal economic stimulus law enacted in 2009 to:

(i) maintain, renovate, or reconstruct buildings located at the children's home; or

(ii) assist with the operation of the children's home.

(F) The feasibility of reducing operating or maintenance costs for buildings located at the children's home by entering into agreements for the use of buildings with:

(i) state or local governmental entities; or

(ii) private entities.

(G) The feasibility of meeting costs of the children's home by allowing the children's home to receive transfer tuition under IC 20-26-11.

(H) The current use of all funds maintained by the children's home, including funds held on behalf of the children's home by the state department of health or the budget agency.

(I) The current fee structure for parents or guardians of children residing at the children's home.

(J) The feasibility of increasing the use of the children's home for the purpose of providing services to the children of Indiana. The commission must make an assessment of:

(i) the type of children who may benefit from services provided by the children's home;

(ii) the changes to the structure or operation of the children's home that would be necessary to improve service to children who may benefit from placement in the children's home;

(iii) potential methods to augment the enrollment of children at the children's home; and

(iv) the feasibility of placing a child in need of services or a delinquent child in the children's home by a court order from a juvenile court judge or with the recommendation of the department of child services.

(K) The feasibility of maintaining or increasing the use of the vocational school located at the children's home.

(L) The feasibility of:

(i) maintaining or increasing the functional capacity of;

(ii) renovating or reconstructing; or

(iii) providing maintenance to;

buildings located at the children's home. The commission shall consider whether any grants or financial assistance

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may be available to preserve or restore the historic nature of buildings.

(M) The feasibility of improving the education of the children residing at the children's home. The commission shall consider:

- (i) special education;
- (ii) alternative education; and
- (iii) any other educational program that the commission determines would increase the use of the children's home and improve the education of the children residing at the children's home.

(2) Evaluate the potential negative impact of the closure of the children's home on the following:

(A) The children residing at the children's home, including:

- (i) children whose parents or guardians are currently serving in the armed forces of the United States; and
- (ii) children placed in the home after failing in the foster care setting.

(B) The employees of the children's home.

(C) The local economy.

(3) If the commission determines that it is not economically feasible to continue to operate the children's home after June 30, 2010, in an effective and efficient manner, the commission must develop a plan for closing the children's home. The plan must take into account the best interest of the children residing at the home. The commission must consider the following:

(A) The return of the child to the:

- (i) parent or parents;
- (ii) relative; or
- (iii) guardian.

(B) The placement of a child by the department of child services in:

- (i) foster care;
- (ii) therapeutic foster care; or
- (iii) residential care.

(C) The use of community based services.

(D) Any other program or service the commission determines would be in the best interest of the children residing at the children's home.

Sec. 5. (a) Before January 1, 2010, the commission shall submit

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a final report to the governor and the general assembly. The report submitted to the general assembly shall be submitted in an electronic format under IC 5-14-6.

(b) The report must include the following:

(1) The recommendations made by the commission under section 4(1) of this chapter as to whether it is financially feasible to effectively and efficiently operate the children's home after June 30, 2010. The commission must include a detailed summary of the commission's conclusions under section 4(1)(A) through 4(1)(M) of this chapter.

(2) If the commission determines that it is not financially feasible to effectively operate the children's home after June 30, 2010, the plan developed by the commission under section 4(3) of this chapter to effectively and efficiently close the children's home.

(3) Any recommendations the commission considers necessary.

(4) Recommendations for legislative changes necessary to implement any recommendations made under subdivisions (1) through (3).

(5) A summary of the negative impact that closure of the children's home will have on the following:

(A) The children residing at the children's home, including:

(i) children whose parents or guardians are currently serving in the armed forces of the United States; and

(ii) children placed in the home after failing in the foster care setting.

(B) The employees of the children's home.

(C) The local economy.

Sec. 6. The legislative services agency shall provide staff support for the commission. The expenses of the commission shall be paid from funds appropriated to the legislative council.

Sec. 7. This chapter expires July 1, 2010.

SECTION 2. IC 16-19-6-5, AS AMENDED BY P.L.21-2008, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 5. (a) **Except as provided in subsections (b) and (c),** the state health commissioner has complete administrative control and responsibility for the Indiana Soldiers' and Sailors' Children's Home.

(b) **This subsection applies for the period after December 31, 2008, and before July 1, 2010. Notwithstanding any other statute**

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or policy, the state health commissioner or the superintendent of the home may not do the following unless specifically authorized by a statute enacted by the general assembly:

(1) Terminate, in whole or in part, services provided by the home on January 1, 2009, to Indiana children or other operations that existed at the home on January 1, 2009.

(2) Reduce the staffing levels and classification below those in effect at the home on January 1, 2009.

(3) Terminate the employment of any employee of the home who was an employee after December 31, 2008, except in accordance with IC 4-15-2.

The state department or the superintendent of the home shall fill any vacancy created by a termination described in subdivision (3) so that the staffing levels at the facility are not reduced below the staffing levels in effect on January 1, 2009.

(c) This subsection applies for the period after December 31, 2008, and before July 1, 2010. Notwithstanding any other statute or policy, the state health commissioner shall not authorize the removal, sale, or destruction of:

(1) instructional or residential equipment;

(2) furnishings;

(3) records;

(4) tools;

(5) vehicles; or

(6) artifacts;

located at the children's home.

SECTION 3. IC 20-26-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 17. Alternative Placement of Certain Students

Sec. 1. Except as provided in IC 20-33-8.5-13, this chapter does not apply to a student placed in an educational setting under the following:

(1) IC 20-30-8 (alternative programs for certain students);

(2) IC 20-33-8 (student discipline); or

(3) IC 20-33-8.5 (court assisted resolution of suspension and expulsion cases).

Sec. 2. If a school's principal determines that a disruptive student (as defined in IC 20-30-8-2) or a habitual truant (as defined in IC 20-33-2-11) would likely benefit:

(1) academically;

(2) behaviorally; or

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(3) both academically and behaviorally;
 from placement in a different educational setting than the
 principal's school, the principal may request the superintendent or
 superintendent's designee to seek an alternative placement for the
 student under this chapter.

Sec. 3. (a) Upon receiving a request under section 2 of this
 chapter, the superintendent or superintendent's designee shall give
 notice to the student and the student's parent of their right to
 appear at a meeting with the superintendent. Notice of the right to
 appear at a meeting must:

(1) be made by certified mail or by personal delivery;

(2) contain the reasons for the meeting; and

(3) contain the procedure for requesting a meeting.

(b) The superintendent or superintendent's designee:

(1) shall make a written summary of the discussion conducted
 and the evidence presented at the meeting;

(2) may take action under section 2 of this chapter; and

(3) must give notice of the action taken under subdivision (2)
 to the student and the student's parent.

(c) If the student or the student's parent, not later than ten (10)
 days after receipt of a notice of action taken under subsection (b),
 makes a written appeal to the governing body, the governing body:

(1) shall hold a meeting to consider:

(A) the written summary of discussion and evidence
 prepared under subsection (b)(1); and

(B) the arguments of the principal and the student or the
 student's parent;

unless the governing body has voted under subsection (e) not
 to hear appeals of actions taken under subsection (b); and

(2) may take action that the governing body finds appropriate.

The decision of the governing body may be appealed only under
 IC 20-33-8-21.

(d) A student or a student's parent who fails to request or
 appear at a meeting after receipt of notice of the right to appear at
 a meeting forfeits all rights administratively to contest and appeal
 the proposed placement. For purposes of this section, notice of the
 right to appear at a meeting or notice of the action taken at a
 meeting is effectively given at the time when the request or notice
 is delivered personally or sent by certified mail to a student and the
 student's parent.

(e) The governing body may vote to not hear appeals of actions
 taken under subsection (b). If the governing body votes to not hear

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appeals, subsequent to the date on which the vote is taken, a student or parent may appeal only under IC 20-33-8-21.

Sec. 4. (a) After giving notice and conducting a meeting under section 3 of this chapter if a meeting is requested, the superintendent or superintendent's designee may place a student described in section 1 of this chapter in any of the following:

- (1) Another school within the school corporation;
- (2) An alternative education program (as defined in IC 20-30-8-1) within another school corporation;
- (3) A school within another school corporation;
- (4) A charter school;
- (5) an accredited nonpublic school that is nonsectarian and nonreligious; or
- (6) an alternative school operated by the juvenile court in that county;

if the superintendent or superintendent's designee determines that the placement would benefit the student academically or behaviorally, or both.

(b) The:

- (1) superintendent or superintendent's designee; or
- (2) administrative authority;

of a school described in subsection (a) must consent before the placement of a student described in section 1 of this chapter.

Sec. 5. If a student described in section 1 of this chapter is placed in a public school that is within another school corporation, the school corporation in which the student has legal settlement is responsible for paying tuition for the student. However, a school corporation may not expend more than the amount determined under IC 20-26-11-13(b) as tuition for the student.

Sec. 6. Except as provided in IC 20-35-8, the school corporation in which the student has legal settlement and the school corporation in which a school is located that may successfully teach the student are not responsible for providing transportation to the student.

Sec. 7. A student described in section 1 of this chapter may not be excluded or removed from the student's school until another placement is found for the student under this chapter.

Sec. 8. This chapter does not preclude school personnel from taking any action permitted by another law that is reasonably necessary to maintain a safe, orderly, and effective educational environment.

Sec. 9. Any decision concerning a student who:

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1 **(1) is described in section 1 of this chapter; and**
 2 **(2) is a child with a disability (as defined in IC 20-35-1-2);**
 3 **regarding the student's placement shall be made in accordance**
 4 **with the student's individualized education program and in**
 5 **compliance with state and federal law.**

6 SECTION 4. IC 20-33-2-9, AS AMENDED BY P.L.185-2006,
 7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2009]: Sec. 9. (a) The governing body of each school
 9 corporation shall designate the appropriate employees of the school
 10 corporation to conduct the exit interviews for students described in
 11 section ~~6(a)(3)~~ **6(3)** of this chapter. Each exit interview must be
 12 personally attended by:

- 13 (1) the student's parent;
- 14 (2) the student;
- 15 (3) each designated appropriate school employee; and
- 16 (4) the student's principal.

17 (b) A student who is at least sixteen (16) years of age but less than
 18 eighteen (18) years of age is bound by the requirements of compulsory
 19 school attendance and may not withdraw from school before graduation
 20 unless:

- 21 (1) the student, the student's parent, and the principal agree to the
 22 withdrawal;
- 23 (2) at the exit interview, the student provides written
 24 acknowledgment of the withdrawal that meets the requirements
 25 of subsection (c) and the:
 (A) student's parent; and
 (B) school principal;
- 26 each provide written consent for the student to withdraw from
 27 school; and
- 28 (3) the withdrawal is due to:
 (A) financial hardship and the individual must be employed to
 29 support the individual's family or a dependent;
 (B) illness; or
 (C) an order by a court that has jurisdiction over the student.

30 (c) A written acknowledgment of withdrawal under subsection (b)
 31 must include a statement that the student and the student's parent
 32 understand that withdrawing from school is likely to:

- 33 (1) reduce the student's future earnings; and
- 34 (2) increase the student's likelihood of being unemployed in the
 35 future.

36 **(d) At the exit interview, the employee designated by the school**
 37 **corporation under subsection (a) to conduct the exit interview shall**
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1 provide to the student's parent a copy of the written form
 2 developed under subsection (e) describing services offered at the
 3 Indiana Soldiers' and Sailors' Children's Home established under
 4 IC 16-33-4-5. The student's parent shall provide written
 5 acknowledgment that the parent received a copy of the form.

6 (e) For the purposes of subsection (d), the department, in
 7 consultation with the superintendent of the Indiana Soldiers' and
 8 Sailors' Children's Home, shall develop a form describing the
 9 services provided by the Indiana Soldiers' and Sailors' Children's
 10 Home. The department shall provide each school corporation with
 11 a sufficient number of copies of the form developed under this
 12 subsection.

13 SECTION 5. IC 20-33-8-19.5 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2009]: **Sec. 19.5. (a)** In addition to the notice
 16 of the right to appear at an expulsion meeting provided under
 17 section 19(b) of this chapter, the superintendent shall provide to a
 18 student's parent a copy of the written form described in subsection
 19 (b) informing the student's parent of services provided by the
 20 Indiana Soldiers' and Sailors' Children's Home established under
 21 IC 16-33-4-5.

22 (b) For the purposes of subsection (a), the department, in
 23 consultation with the superintendent of the Indiana Soldiers' and
 24 Sailors' Children's Home, shall develop a form describing the
 25 services provided by the Indiana Soldiers' and Sailors' Children's
 26 Home. The department shall provide each school corporation with
 27 a sufficient number of copies of the form developed under this
 28 subsection.

29 SECTION 6. IC 20-33-8-21, AS ADDED BY P.L.1-2005,
 30 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2009]: **Sec. 21.** Judicial review of a governing body's action
 32 under this chapter **and IC 20-26-17-3** by the circuit or superior court
 33 of the county in which a student who is the subject of the governing
 34 body's action resides is limited to the issue of whether the governing
 35 body acted without following the procedure required under this
 36 chapter.

37 SECTION 7. IC 20-33-8.5-13 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2009]: **Sec. 13. (a)** This section applies to a
 40 school:

41 (1) that is operated by the juvenile court in a county having a
 42 population of more than two hundred thousand (200,000) but

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- 1 less than three hundred thousand (300,000);
 2 (2) that offers accelerated classes for grades 7 through 9;
 3 (3) that was in existence on or before January 1, 2009; and
 4 (4) that provides:
 5 (A) specialized tutoring;
 6 (B) individual, group, and family counseling; and
 7 (C) life skills training.

8 (b) If a student is placed under IC 20-26-17 in a school to which
 9 this section applies, the school corporation in which the student has
 10 legal settlement shall according to IC 20-26-17-5 pay transfer
 11 tuition to the school to which this section applies for the placement
 12 of the student.

13 SECTION 8. IC 31-34-20-1, AS AMENDED BY P.L.146-2008,
 14 SECTION 602, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Subject to this section and
 16 section 1.5 of this chapter, if a child is a child in need of services, the
 17 juvenile court may enter one (1) or more of the following dispositional
 18 decrees:

- 19 (1) Order supervision of the child by the department.
 20 (2) Order the child to receive outpatient treatment:
 21 (A) at a social service agency or a psychological, a psychiatric,
 22 a medical, or an educational facility; or
 23 (B) from an individual practitioner.
 24 (3) Remove the child from the child's home and authorize the
 25 department to place the child in another home or shelter care
 26 facility. Placement under this subdivision includes authorization
 27 to control and discipline the child.
 28 (4) Award wardship of the child to the department for
 29 supervision, care, and placement.
 30 (5) Partially or completely emancipate the child under section 6
 31 of this chapter.
 32 (6) Order the child's parent, guardian, or custodian to complete
 33 services recommended by the department and approved by the
 34 court under IC 31-34-16, IC 31-34-18, and IC 31-34-19.
 35 (7) Order a person who is a party to refrain from direct or indirect
 36 contact with the child.
 37 (8) Order a perpetrator of child abuse or neglect to refrain from
 38 returning to the child's residence.
 39 (9) Order the department to place the child in the Indiana
 40 Soldiers' and Sailors' Children's Home established under
 41 IC 16-33-4-5 after considering:
 42 (A) the best interests of the child; and

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(B) the desirability of keeping the child with the child's siblings.

The juvenile court may order the child to be placed in the Indiana Soldiers' and Sailors' Children's Home regardless of whether a less expensive alternative exists if the juvenile court determines that the placement in the Indiana Soldiers' and Sailors' Children's Home is in the best interest of the child.

(b) A juvenile court may not place a child in a home or facility that is located outside Indiana unless:

(1) the placement is recommended or approved by the director of the department or the director's designee; or

(2) the juvenile court makes written findings based on clear and convincing evidence that:

(A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana; or

(B) the location of the home or facility is within a distance not greater than fifty (50) miles from the county of residence of the child.

(c) If a dispositional decree under this section:

(1) orders or approves removal of a child from the child's home or awards wardship of the child to the department; and

(2) is the first juvenile court order in the child in need of services proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the juvenile court shall include in the decree the appropriate findings and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c).

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 2-5-30, as added by this act, apply throughout this SECTION.

(b) Before June 1, 2009, the voting members of the commission established by IC 2-5-30-3, as added by this act, shall be appointed.

(c) The commission shall hold its first meeting in July of 2009 and conduct business the commission considers necessary.

(d) The department of child services, in consultation with the department of administration and the department of homeland security, shall determine what modifications or repairs would be necessary in order to license a private entity to operate the children's home under a public-private agreement as a residential child care establishment under IC 31-27. Before August 1, 2009, the department of child services must provide the commission a report, which must include:

(1) a detailed summary of repairs or maintenance of

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1 **buildings;**
 2 **(2) fire safety modifications; and**
 3 **(3) any other recommendations or requirements;**
 4 **that would be necessary in order to license a private entity to**
 5 **operate the children's home under a public-private agreement as**
 6 **a residential child care establishment under IC 31-27.**
 7 **(e) This SECTION expires July 1, 2010.**
 8 **SECTION 10. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 191, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 15, after "3." insert "(a)".

Page 1, line 15, after "chapter," insert **"the superintendent shall give notice to the student and the student's parent of their right to appear at a meeting with the superintendent. Notice of the right to appear at a meeting must:**

- (1) be made by certified mail or by personal delivery;**
- (2) contain the reasons for the meeting; and**
- (3) contain the procedure for requesting a meeting.**

(b) The superintendent:

- (1) shall make a written summary of the discussion conducted and the evidence presented at the meeting;**
- (2) may take action under section 4 of this chapter; and**
- (3) must give notice of the action taken under subdivision (2) to the student and the student's parent.**

(c) If the student or the student's parent, not later than ten (10) days after receipt of a notice of action taken under subsection (b), makes a written appeal to the governing body, the governing body:

(1) shall hold a meeting to consider:

- (A) the written summary of discussion and evidence prepared under subsection (b)(1); and**
- (B) the arguments of the principal and the student or the student's parent;**

unless the governing body has voted under subsection (e) not to hear appeals of actions taken under subsection (b); and

(2) may take action that the governing body finds appropriate.

The decision of the governing body may be appealed only under IC 20-33-8-21.

(d) A student or a student's parent who fails to request and appear at a meeting after receipt of notice of the right to appear at a meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at a meeting or notice of the action taken at a meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent.

(e) The governing body may vote to not hear appeals of actions

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taken under subsection (b). If the governing body votes to not hear appeals, subsequent to the date on which the vote is taken, a student or parent may appeal only under IC 20-33-8-21.

Sec. 4. After giving notice and conducting a meeting under section 3 of this chapter if a meeting is requested,".

Page 2, line 8, delete "nonpublic" and insert "**charter**".

Page 2, line 10, delete "4." and insert "**5.**".

Page 2, line 11, delete "in:" and insert "**in**".

Page 2, line 12, delete "(1)".

Page 2, line 12, delete "corporation;" and insert "**corporation,**".

Page 2, delete lines 13 through 14.

Page 2, run in lines 11 through 15.

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"Sec. 6. Except as provided in IC 20-35-8, the school corporation in which the student has legal settlement and the school corporation in which a school is located that may successfully teach the student are not responsible for providing transportation to the student."

Page 2, line 19, delete "5." and insert "**7.**".

Page 2, after line 21, begin a new paragraph and insert:

"SECTION 2. IC 20-33-8-21, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. Judicial review of a governing body's action under this chapter **and IC 20-26-17-3** by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter."

and when so amended that said bill do pass.

(Reference is to SB 191 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 7, Nays 3.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 191, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 30. Indiana Soldiers' and Sailors' Children's Home Commission

Sec. 1. As used in this chapter, "children's home" refers to the Indiana Soldiers' and Sailors' Children's Home established by IC 16-33-4-5.

Sec. 2. As used in this chapter, "commission" refers to the Indiana Soldiers' and Sailors' Children's Home commission established by section 3 of this chapter.

Sec. 3. (a) The Indiana Soldiers' and Sailors' Children's Home commission is established to evaluate whether it is economically feasible to continue to operate the children's home after June 30, 2010, in an effective and efficient manner.

(b) The commission consists of the following nineteen (19) voting members:

- (1) The governor or the governor's designee.
- (2) The commissioner of the Indiana department of administration appointed under IC 4-13-1-2 or the commissioner's designee.
- (3) The state health commissioner appointed under IC 16-19-4-2 or the state health commissioner's designee.
- (4) The state superintendent of public instruction or the state superintendent's designee.
- (5) The adjutant general appointed under IC 10-16-2-6 or the adjutant general's designee.
- (6) The director of the department of child services appointed under IC 31-25-1-1 or the director's designee.
- (7) One member who is a member of the American Legion appointed by the president pro tempore of the senate in accordance with a recommendation from the department adjutant of the American Legion Department of Indiana.
- (8) One (1) member who is a representative of the Alumni Association of the Indiana Soldiers' and Sailors' Children's

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Home, appointed by the president pro tempore of the senate in accordance with a recommendation from the president of the Alumni Association of the Indiana Soldiers' and Sailors' Children's Home.

(9) The superintendent of the children's home or the superintendent's designee.

(10) One (1) member who is a member of the advisory committee for the Indiana Soldiers' and Sailors' Children's Home created by IC 16-19-6-9, appointed by the president pro tempore of the senate in accordance with a recommendation from the chair of the advisory committee.

(11) One (1) member who is a representative of IARCCA, An Association of Children and Family Services, appointed by the president pro tempore of the senate in accordance with a recommendation from the executive director of IARCCA.

(12) One (1) member who is a representative of the Indiana Association of School Business Officials, appointed by the speaker of the house of representatives in accordance with a recommendation from the executive director of the Indiana Association of School Business Officials.

(13) The judge of the juvenile court of Marion County.

(14) One (1) member who is a representative of the vocational school located at the children's home, appointed by the speaker of the house of representatives in accordance with a recommendation from the superintendent of the children's home.

(15) One (1) member who is a parent or guardian of a child currently residing at the children's home, appointed by the speaker of the house of representatives in accordance with a recommendation from the superintendent of the children's home.

(16) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(17) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.

(18) One (1) member of the senate appointed by the president pro tempore of the senate.

(19) One (1) member of the senate appointed by the minority leader of the senate.

(c) The members appointed under subsection (b)(16) and (b)(18) shall serve as co-chairs of the commission.

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(d) If a legislative member of the commission ceases being a member of the chamber from which the member was appointed, the member also ceases to be a member of the commission.

(e) The commission shall hold at least one (1) meeting each month. The commission may hold special meetings considered necessary or expedient by either co-chair of the commission. The commission must hold at least nine (9) meetings at the children's home.

(f) Ten (10) commission members constitute a quorum. The affirmative votes of at least ten (10) members of the commission is necessary for the commission to make recommendations or adopt a final report.

(g) The commission may hold the regular meetings described in subsection (e) at the children's home.

(h) The commission meetings are subject to the open door law under IC 5-14-1.5.

(i) Except as provided in subsection (j), members of the commission may not receive:

- (1) a salary per diem;
- (2) reimbursement for traveling expenses; or
- (3) any other expenses actually incurred in connection with the member's duties for the commission.

(j) Each member of the commission who is a state employee but is not a member of the general assembly is entitled to reimbursement for traveling expenses from the member's state agency as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 4. The commission shall do the following:

- (1) Make recommendations in the report submitted under section 5 of this chapter as to whether it is economically feasible to continue to operate the children's home after June 30, 2010, in an effective and efficient manner. In making its recommendations, the commission must consider the following:

- (A) The feasibility of reducing costs associated with operation and maintenance of the children's home by entering into a public-private agreement. If the commission determines that a public-private agreement should be established under this section, the commission must develop recommended criteria for a request for

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proposals for entering into a public-private agreement under IC 5-23 for the operation of all or part of the children's home.

(B) The availability and potential use of federal grants or assistance provided under Title IV-E of the federal Social Security Act to a:

- (i) state entity; or
- (ii) private entity in a public-private agreement; operating or managing the children's home.

(C) The availability and potential use of federal assistance or grants provided under the No Child Left Behind Act of 2001 (20 U.S.C. 6301 et seq.) to a:

- (i) state entity; or
- (ii) private entity in a public-private agreement; operating or managing the children's home.

(D) The availability and potential use of federal assistance or grants, other than federal grants and assistance referred to in clauses (B) and (C), that may be available to reduce costs associated with the operation of the children's home by a:

- (i) state entity; or
- (ii) private entity in a public-private agreement.

(E) The availability and potential use of funds or grants from the federal American Recovery and Reinvestment Act of 2009 or another federal economic stimulus law enacted in 2009 to:

- (i) maintain, renovate, or reconstruct buildings located at the children's home; or
- (ii) assist with the operation of the children's home.

(F) The feasibility of reducing operating or maintenance costs for buildings located at the children's home by entering into agreements for the use of buildings with:

- (i) state or local governmental entities; or
- (ii) private entities.

(G) The feasibility of meeting costs of the children's home by allowing the children's home to receive transfer tuition under IC 20-26-11.

(H) The current use of all funds maintained by the children's home, including funds held on behalf of the children's home by the state department of health or the budget agency.

(I) The current fee structure for parents or guardians of

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children residing at the children's home.

(J) The feasibility of increasing the use of the children's home for the purpose of providing services to the children of Indiana. The commission must make an assessment of:

- (i) the type of children who may benefit from services provided by the children's home;
- (ii) the changes to the structure or operation of the children's home that would be necessary to improve service to children who may benefit from placement in the children's home;
- (iii) potential methods to augment the enrollment of children at the children's home; and
- (iv) the feasibility of placing a child in need of services or a delinquent child in the children's home by a court order from a juvenile court judge or with the recommendation of the department of child services.

(K) The feasibility of maintaining or increasing the use of the vocational school located at the children's home.

(L) The feasibility of:

- (i) maintaining or increasing the functional capacity of;
- (ii) renovating or reconstructing; or
- (iii) providing maintenance to;

buildings located at the children's home. The commission shall consider whether any grants or financial assistance may be available to preserve or restore the historic nature of buildings.

(M) The feasibility of improving the education of the children residing at the children's home. The commission shall consider:

- (i) special education;
- (ii) alternative education; and
- (iii) any other educational program that the commission determines would increase the use of the children's home and improve the education of the children residing at the children's home.

(2) Evaluate the potential negative impact of the closure of the children's home on the following:

(A) The children residing at the children's home, including:

- (i) children whose parents or guardians are currently serving in the armed forces of the United States; and
- (ii) children placed in the home after failing in the foster

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care setting.

(B) The employees of the children's home.

(C) The local economy.

(3) If the commission determines that it is not economically feasible to continue to operate the children's home after June 30, 2010, in an effective and efficient manner, the commission must develop a plan for closing the children's home. The plan must take into account the best interest of the children residing at the home. The commission must consider the following:

(A) The return of the child to the:

- (i) parent or parents;
- (ii) relative; or
- (iii) guardian.

(B) The placement of a child by the department of child services in:

- (i) foster care;
- (ii) therapeutic foster care; or
- (iii) residential care.

(C) The use of community based services.

(D) Any other program or service the commission determines would be in the best interest of the children residing at the children's home.

Sec. 5. (a) Before January 1, 2010, the commission shall submit a final report to the governor and the general assembly. The report submitted to the general assembly shall be submitted in an electronic format under IC 5-14-6.

(b) The report must include the following:

(1) The recommendations made by the commission under section 4(1) of this chapter as to whether it is financially feasible to effectively and efficiently operate the children's home after June 30, 2010. The commission must include a detailed summary of the commission's conclusions under section 4(1)(A) through 4(1)(M) of this chapter.

(2) If the commission determines that it is not financially feasible to effectively operate the children's home after June 30, 2010, the plan developed by the commission under section 4(3) of this chapter to effectively and efficiently close the children's home.

(3) Any recommendations the commission considers necessary.

(4) Recommendations for legislative changes necessary to

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implement any recommendations made under subdivisions (1) through (3).

(5) A summary of the negative impact that closure of the children's home will have on the following:

(A) The children residing at the children's home, including:

- (i) children whose parents or guardians are currently serving in the armed forces of the United States; and
- (ii) children placed in the home after failing in the foster care setting.

(B) The employees of the children's home.

(C) The local economy.

Sec. 6. The legislative services agency shall provide staff support for the commission. The expenses of the commission shall be paid from funds appropriated to the legislative council.

Sec. 7. This chapter expires July 1, 2010.

SECTION 2. IC 16-19-6-5, AS AMENDED BY P.L.21-2008, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 5. (a) Except as provided in subsections (b) and (c), the state health commissioner has complete administrative control and responsibility for the Indiana Soldiers' and Sailors' Children's Home.

(b) This subsection applies for the period after December 31, 2008, and before July 1, 2010. Notwithstanding any other statute or policy, the state health commissioner or the superintendent of the home may not do the following unless specifically authorized by a statute enacted by the general assembly:

- (1) Terminate, in whole or in part, services provided by the home on January 1, 2009, to Indiana children or other operations that existed at the home on January 1, 2009.
- (2) Reduce the staffing levels and classification below those in effect at the home on January 1, 2009.
- (3) Terminate the employment of any employee of the home who was an employee after December 31, 2008, except in accordance with IC 4-15-2.

The state department or the superintendent of the home shall fill any vacancy created by a termination described in subdivision (3) so that the staffing levels at the facility are not reduced below the staffing levels in effect on January 1, 2009.

(c) This subsection applies for the period after December 31, 2008, and before July 1, 2010. Notwithstanding any other statute or policy, the state health commissioner shall not authorize the

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removal, sale, or destruction of:

- (1) instructional or residential equipment;
- (2) furnishings;
- (3) records;
- (4) tools;
- (5) vehicles; or
- (6) artifacts;

located at the children's home."

Page 1, line 4, delete "Tuition for".

Page 1, line 6, delete "applies to a student who cannot be served" and insert **"does not apply to a student placed in an educational setting under the following:**

- (1) IC 20-30-8 (alternative programs for certain students);
- (2) IC 20-33-8 (student discipline); or
- (3) IC 20-33-8.5 (court assisted resolution of suspension and expulsion cases)."

Page 1, delete lines 7 through 10.

Page 1, line 11, delete "school determines that the school is unable to teach" and insert **"school's principal determines that a disruptive student (as defined in IC 20-30-8-2) or a habitual truant (as defined in IC 20-33-2-11) would likely benefit:**

- (1) academically;
- (2) behaviorally; or
- (3) both academically and behaviorally;

from placement in a different educational setting than the principal's school, the principal may request the superintendent or superintendent's designee to seek an alternative placement for the student under this chapter."

Page 1, delete lines 12 through 14.

Page 1, line 16, after "superintendent" insert **"or superintendent's designee"**.

Page 2, line 5, delete "superintendent:" and insert **"superintendent or superintendent's designee:"**.

Page 2, line 8, delete "4" and insert **"2"**.

Page 2, line 24, delete "and" and insert **"or"**.

Page 2, line 27, delete "expulsion." and insert **"proposed placement."**

Page 2, line 36, after "4." insert **"(a)"**.

Page 2, line 38, after "superintendent" insert **"or superintendent's designee"**.

Page 2, line 40, delete "corporation that the" and insert **"corporation;"**.

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Page 2, delete line 41.

Page 2, line 42, delete "school operated by the school corporation" and insert **"education program (as defined in IC 20-30-8-1) within another school corporation;"**.

Page 3, delete lines 1 through 2.

Page 3, line 3, delete "corporation that the" and insert **"corporation;"**.

Page 3, delete line 4.

Page 3, line 5, delete "school that the superintendent determines may" and insert **"school;**

(5) an accredited nonpublic school that is nonsectarian and nonreligious; or

(6) an alternative school operated by the juvenile court in that county;

if the superintendent or superintendent's designee determines that the placement would benefit the student academically or behaviorally, or both.

(b) The:

(1) superintendent or superintendent's designee; or

(2) administrative authority;

of a school described in subsection (a) must consent before the placement of a student described in section 1 of this chapter."

Page 3, delete line 6.

Page 3, line 19, after "excluded" insert **"or removed"**.

Page 3, between lines 20 and 21, begin a new paragraph and insert:

"Sec. 8. This chapter does not preclude school personnel from taking any action permitted by another law that is reasonably necessary to maintain a safe, orderly, and effective educational environment.

Sec. 9. Any decision concerning a student who:

(1) is described in section 1 of this chapter; and

(2) is a child with a disability (as defined in IC 20-35-1-2);

regarding the student's placement shall be made in accordance with the student's individualized education program and in compliance with state and federal law.

SECTION 4. IC 20-33-2-9, AS AMENDED BY P.L.185-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section ~~6(a)(3)~~ **6(3)** of this chapter. Each exit interview must be personally attended by:

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- (1) the student's parent;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent, and the principal agree to the withdrawal;
- (2) at the exit interview, the student provides written acknowledgment of the withdrawal that meets the requirements of subsection (c) and the:

- (A) student's parent; and
- (B) school principal;

each provide written consent for the student to withdraw from school; and

- (3) the withdrawal is due to:
 - (A) financial hardship and the individual must be employed to support the individual's family or a dependent;
 - (B) illness; or
 - (C) an order by a court that has jurisdiction over the student.

(c) A written acknowledgment of withdrawal under subsection (b) must include a statement that the student and the student's parent understand that withdrawing from school is likely to:

- (1) reduce the student's future earnings; and
- (2) increase the student's likelihood of being unemployed in the future.

(d) At the exit interview, the employee designated by the school corporation under subsection (a) to conduct the exit interview shall provide to the student's parent a copy of the written form developed under subsection (e) describing services offered at the Indiana Soldiers' and Sailors' Children's Home established under IC 16-33-4-5. The student's parent shall provide written acknowledgment that the parent received a copy of the form.

(e) For the purposes of subsection (d), the department, in consultation with the superintendent of the Indiana Soldiers' and Sailors' Children's Home, shall develop a form describing the services provided by the Indiana Soldiers' and Sailors' Children's Home. The department shall provide each school corporation with a sufficient number of copies of the form developed under this subsection.

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SECTION 5. IC 20-33-8-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 19.5. (a) In addition to the notice of the right to appear at an expulsion meeting provided under section 19(b) of this chapter, the superintendent shall provide to a student's parent a copy of the written form described in subsection (b) informing the student's parent of services provided by the Indiana Soldiers' and Sailors' Children's Home established under IC 16-33-4-5.**

(b) For the purposes of subsection (a), the department, in consultation with the superintendent of the Indiana Soldiers' and Sailors' Children's Home, shall develop a form describing the services provided by the Indiana Soldiers' and Sailors' Children's Home. The department shall provide each school corporation with a sufficient number of copies of the form developed under this subsection."

Page 3, after line 28, begin a new paragraph and insert:

"SECTION 7. IC 31-34-20-1, AS AMENDED BY P.L.146-2008, SECTION 602, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Subject to this section and section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the department.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and authorize the department to place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship of the child to the department for supervision, care, and placement.
- (5) Partially or completely emancipate the child under section 6 of this chapter.
- (6) Order the child's parent, guardian, or custodian to complete services recommended by the department and approved by the court under IC 31-34-16, IC 31-34-18, and IC 31-34-19.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.
- (8) Order a perpetrator of child abuse or neglect to refrain from

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returning to the child's residence.

(9) Order the department to place the child in the Indiana Soldiers' and Sailors' Children's Home established under IC 16-33-4-5 after considering:

(A) the best interests of the child; and

(B) the desirability of keeping the child with the child's siblings.

The juvenile court may order the child to be placed in the Indiana Soldiers' and Sailors' Children's Home regardless of whether a less expensive alternative exists if the juvenile court determines that the placement in the Indiana Soldiers' and Sailors' Children's Home is in the best interest of the child.

(b) A juvenile court may not place a child in a home or facility that is located outside Indiana unless:

(1) the placement is recommended or approved by the director of the department or the director's designee; or

(2) the juvenile court makes written findings based on clear and convincing evidence that:

(A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana; or

(B) the location of the home or facility is within a distance not greater than fifty (50) miles from the county of residence of the child.

(c) If a dispositional decree under this section:

(1) orders or approves removal of a child from the child's home or awards wardship of the child to the department; and

(2) is the first juvenile court order in the child in need of services proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the juvenile court shall include in the decree the appropriate findings and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c).

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 2-5-30, as added by this act, apply throughout this SECTION.

(b) Before June 1, 2009, the voting members of the commission established by IC 2-5-30-3, as added by this act, shall be appointed.

(c) The commission shall hold its first meeting in July of 2009 and conduct business the commission considers necessary.

(d) The department of child services, in consultation with the department of administration and the department of homeland security, shall determine what modifications or repairs would be necessary in order to license a private entity to operate the

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children's home under a public-private agreement as a residential child care establishment under IC 31-27. Before August 1, 2009, the department of child services must provide the commission a report, which must include:

- (1) a detailed summary of repairs or maintenance of buildings;
- (2) fire safety modifications; and
- (3) any other recommendations or requirements;

that would be necessary in order to license a private entity to operate the children's home under a public-private agreement as a residential child care establishment under IC 31-27.

(e) This SECTION expires July 1, 2010.

SECTION 9. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 191 as printed February 6, 2009.)

OXLEY, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 191 be amended to read as follows:

Page 3, line 25, delete "nine (9)" and insert "**four (4)**".

Page 8, line 31, delete "This" and insert "**Except as provided in IC 20-33-8.5-13, this**".

Page 12, between lines 35 and 36, begin a new paragraph and insert: "SECTION 7. IC 20-33-8.5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 13. (a) This section applies to a school:**

- (1) that is operated by the juvenile court in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000);
- (2) that offers accelerated classes for grades 7 through 9;
- (3) that was in existence on or before January 1, 2009; and
- (4) that provides:
 - (A) specialized tutoring;
 - (B) individual, group, and family counseling; and

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(C) life skills training.

(b) If a student is placed under IC 20-26-17 in a school to which this section applies, the school corporation in which the student has legal settlement shall according to IC 20-26-17-5 pay transfer tuition to the school to which this section applies for the placement of the student."

(Reference is to ESB 191 as printed April 10, 2009.)

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